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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	<b>MAIL STOP ISSUE FEE</b>
Peter R. Byron et al.	)	
Application No.: 09/981,739 ✓	)	Group Art Unit: 3731
Filed: October 19, 2001	)	Examiner: GLENN K DAWSON
For: METHOD FOR GENERATING AN	)	Confirmation No.: 6130
AEROSOL WITH A PREDETERMINED	)	
AND/OR SUBSTANTIALLY	)	
MONODISPERSED PARTICLE SIZE	)	
DISTRIBUTION	)	

**REQUEST TO COMPLETE NOTICE OF ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reviewing the application identified above upon allowance, the undersigned has noted:

[X] The Notice of Allowance shows the following discrepancy(ies):

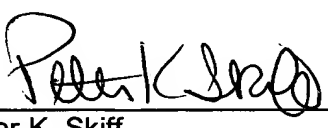
The title was amended on November 26, 2003 and should read –METHOD FOR GENERATING AN AEROSOL WITH A PREDETERMINED AND/OR SUBSTANTIALLY MONODISPERSED PARTICLE SIZE DISTRIBUTION--.

The U.S. Patent and Trademark Office is therefore requested to correct this discrepancy and issue a corrected Notice of Allowance.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 23, 2004

By:   
Peter K. Skiff  
Registration No. 31,917

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# UNITED STATES PATENT AND TRADEMARK OFFICE

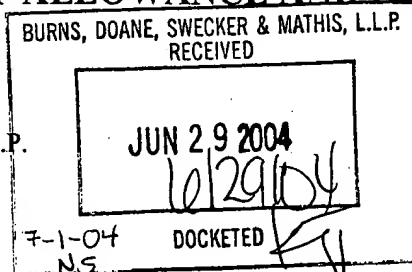
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



## NOTICE OF ALLOWANCE AND FEE(S) DUE

06/28/2004

Peter K. Skiff, Esq.  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404



EXAMINER

DAWSON, GLENN K

ART UNIT

PAPER NUMBER

3731

DATE MAILED: 06/28/2004

PUB ISSUE fee due  
0-28-04

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,739	10/19/2001	Michael Hindle	033018-055	6130

TITLE OF INVENTION: METHOD FOR GENERATING AN AEROSOL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	09/28/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



## Patent

Attorney's Docket No. 033018-055

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In re Patent Application of

Michael HINDLE et al.

Application No.: 09/981,739

Filed: October 19, 2001

For: Method for Generating an Aerosol  
with a Predetermined and/or  
Substantially Monodispersed Particle  
Size Distribution  
(As Amended)

Group Art Unit: 3761

Examiner: Glenn K. Dawson

Confirmation No.: 6130

COPY

**RESPONSE UNDER 37 C.F.R. § 1.111**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In complete response to the Office Action dated October 28, 2003, Applicants submit the following response.

**Amendments to the Specification** are provided beginning on page 2 of this Response.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 3 of this Response.

**Remarks** begin on page 11 of this Response.

DOCKETED  
filed 11-26-83 <sup>CS</sup>



**AMENDMENTS TO THE SPECIFICATION:**

Please replace the title with the following amended title:

Improved Method for Generating an Aerosol with a Predetermined and/or Substantially Monodispersed Particle Size Distribution

Please replace paragraph [0027] with the following amended paragraph [0027]:

[0027] According to an exemplary embodiment, a solution is prepared such that the amount of the first component therein is sufficient to achieve a predetermined particle size distribution of the first component and/or the liquid component upon aerosolization of the solution. Advantageously, reducing the amount of the first component in the solution generally has the effect of increasing the MMAD and/or the degree of uniformity of the first component upon aerosolization of the solution. On the other hand, increasing the amount of the first component in the solution generally has the opposite effect, i.e., it decreases the MMAD of the first component upon aerosolization of the solution. The amount of the first component in the solution typically is from about 0.03 to 50% by weight of the solution. The effects of adjusting the concentration of the first component which are described above generally relate to solutions which contain small amounts of the first component in the liquid component, particularly in the range of 0.03 to 1% by weight, preferably less than about 0.5% by weight, and even more preferably less than about 0.1% by weight, but can also be applied to solutions which contain larger amounts of the first component.